

REMARKS

In response to the above identified Office Action, Applicants respectfully request reconsideration in view of the following remarks and the above amendments. Applicants amend claim 11. Applicants do not add or cancel any claims. Accordingly, claims 11-16 remain pending in the application.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 11 and 14-16 stand rejected under 35 U.S.C. § 102 as being allegedly anticipated by U.S. Patent No. 4,075,604 issued to Degasperi (hereinafter “Degasperi”).

To anticipate a claim, the Examiner must show that a cited reference teaches each element of the claim. In regard to independent claim 11, this claim, as amended, includes the elements of “specifying an image profile, the profile including user defined thresholds.” Applicants do not believe that Degasperi teaches this element of claim 11. Rather Degasperi teaches a system where test images are compared with sample images. See the Abstract of Degasperi. The parameters for comparing the test images and sample images in Degasperi are based on the test and sample image data not on user defined thresholds. Thus, Degasperi does not teach each of the elements of claim 11. Accordingly, reconsideration and withdrawal of the anticipation rejection are requested.

Claims 14-16 depend from independent claim 11 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 11 these claims are not anticipated by Degasperi. Accordingly, reconsideration and withdrawal of the anticipation rejection of these claims is requested.

II. Claims Rejected Under 35 U.S.C. § 103

Claims 12 and 13 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Degasperi in view of U.S. Patent No. 5,184,215 issued to Barker (hereinafter "Barker").

To establish a *prima facie* case of obviousness, the Examiner must show that the cited references teach or suggest each of the elements of a claim. Claims 12 and 13 depend from independent claim 11 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 11, these claims are not taught or suggested by Degasperi. Further, Barker does not cure the defects of Degasperi. The Examiner has not relied upon Barker to teach an image profile. Further, Applicants have been unable to discern any part of Barker that teaches an imaging profile and specifically "the profile including user defined thresholds." Thus, Degasperi in view of Barker does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

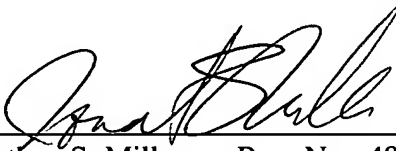
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 11-16, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

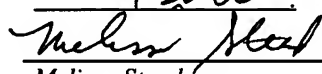
Dated: 4/26, 2006


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4-26-06

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